

**229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR No.255 of 2015

Date of Decision: May 03, 2016

Ashok Kumar Arora

.... Petitioner

vs.

Rajinder Kumar

.... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Pardeep Rajput, Advocate for the petitioner.

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh J.(Oral)

The present revision is against the judgment dated 12.04.2013 passed by learned Judicial Magistrate 1st Class, Amritsar, vide which accused-respondent was convicted for the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced till rising of the court. Also impugned is the judgment dated 16.10.2014 passed by learned Addl. Sessions Judge, Amritsar, vide which the appeal filed by the present petitioner for enhancement of the sentence was dismissed.

It comes out that total seven cheques were issued for a sum of ₹86,661/-. For which the present complaint was filed. It also comes out that during the pendency of the proceedings, the parties had compromised the matter, where the petitioner-complainant claims to recover ₹1,63,000/- from the accused. It further comes out that the accused-respondent had paid more than ₹1,00,000/- to the complainant and could not pay the remaining amount.

Therefore, after considering the fact that more amount than the amount of the cheques has been paid, the learned Magistrate while convicting the accused took a lenient view in the matter, in view of the authority of Hon'ble the Supreme Court of India in case of ***“Suganthi Suresh Kumar vs Jagdeeshan”*, 2002(1) RCR (Criminal) 502** and sentenced the accused-respondent till the rising of the Court.

I am of the view that in this case, the Court is only concerned with the amount of cheques, for which accused-respondent was prosecuted. Since, the accused-respondent had paid more amount than the amount of cheques, therefore, the lower court was justified in sentencing the accused-respondent till rising of the Court. Thus, there is no ground to interfere in the impugned judgments passed by both the courts below.

Accordingly, the present revision petition stands dismissed.

May 03, 2016
sarita

(KULDIP SINGH)
JUDGE